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December 8, 2004

VIA ELECTRONIC SUBMISSION

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW – Lobby Level
Washington, D.C. 20554

Re: Notice of Ex Parte – Unbundled Access to Network Elements; Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, WC Docket No. 04-313; CC Docket No. 01-338

Dear Ms. Dortch:

Attached, as you requested, are data showing the comparative use of DS3 UNEs and special access loops by CLECs in the SBC region. Specifically, we provide the number of wholesale DS3 special access channel termination facilities (excluding entrance facilities) provided by SBC to the three largest carriers collectively, and all other CLECs individually. Special access facilities provided by SBC to wireless carriers or retail customers were not included. We also set forth the number of DS3 UNE loops provided by SBC to the three largest carriers collectively and the other CLECs individually.¹

These are consistent with data previously provided by SBC. Among other things, they reveal that:

- CLECs purchase very few DS3 UNE loops from SBC. Indeed, for every DS3 UNE loop CLECs purchase from SBC, they purchase 28 DS3 special access loops.
- The 6 largest users of DS3 loops purchase *no* DS3 UNE loops.
- Only one out of the nineteen largest users of DS3 loops from SBC rely more on UNEs than special access.

¹ Like the DS 1 data that SBC filed on December 7, 2004, these DS3 data slightly understate the number of DS3 loops purchased by CLECs as special access because they exclude certain private line facilities.

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These data demonstrate beyond dispute that CLECs are not impaired without access to DS3 UNE loops. Any finding to the contrary by the Commission would be flatly unlawful.

Sincerely,

/s/ Gary L. Phillips

cc (*via electronic mail*):

Russell Hanser
Ian Dillner
Jeremy Miller

Attachment

DS3

Sep-04 Oct-04

	UNE	SA	Total	% Special Access
Top 3 Carriers	0	5,556	5556	100%
CLEC(s) 59		655	655	100%
CLEC(s) 96		429	429	100%
CLEC(s) 38		316	316	100%
CLEC(s) 2	129	181	310	58%
CLEC(s) 98		236	236	100%
CLEC(s) 102		205	205	100%
CLEC(s) 12	5	126	131	96%
CLEC(s) 18	1	94	95	99%
CLEC(s) 42		80	80	100%
CLEC(s) 100		59	59	100%
CLEC(s) 6	50	7	57	12%
CLEC(s) 83	2	51	53	96%
CLEC(s) 14	6	40	46	87%
CLEC(s) 99		44	44	100%
CLEC(s) 16	17	25	42	60%
CLEC(s) 63		42	42	100%
CLEC(s) 23	26	14	40	35%
CLEC(s) 25	13	19	32	59%
CLEC(s) 40	4	19	23	83%
CLEC(s) 15		22	22	100%
CLEC(s) 9		21	21	100%
CLEC(s) 101		18	18	100%
CLEC(s) 109		17	17	100%
CLEC(s) 30	10	5	15	33%
CLEC(s) 103		15	15	100%
CLEC(s) 3		14	14	100%
CLEC(s) 5		14	14	100%
CLEC(s) 13	2	12	14	86%
CLEC(s) 4	13		13	0%
CLEC(s) 10		13	13	100%
CLEC(s) 79		12	12	100%
CLEC(s) 104		12	12	100%
CLEC(s) 105		8	8	100%
CLEC(s) 17		7	7	100%
CLEC(s) 67	7		7	0%
CLEC(s) 95		7	7	100%
CLEC(s) 37		6	6	100%
CLEC(s) 82		6	6	100%
CLEC(s) 20	3	1	4	25%
CLEC(s) 50	2	2	4	50%
CLEC(s) 11		3	3	100%
CLEC(s) 26	2	1	3	33%
CLEC(s) 34		3	3	100%
CLEC(s) 97		3	3	100%
CLEC(s) 108		3	3	100%
CLEC(s) 29	2		2	0%
CLEC(s) 61		2	2	100%
CLEC(s) 71		2	2	100%
CLEC(s) 19		1	1	100%
CLEC(s) 39		1	1	100%
CLEC(s) 45	1		1	0%
CLEC(s) 49		1	1	100%
CLEC(s) 51	1		1	0%
CLEC(s) 64	1		1	0%
CLEC(s) 72	1		1	0%
CLEC(s) 86	1		1	0%
CLEC(s) 90	1		1	0%
CLEC(s) 94		1	1	100%
Total	300	8,431	8,731	97%
Total less Top 3	300	2,875	3,175	91%

*includes stand-alone and EEL

** SBC assumed that all first circuit legs are entrance facilities, even though many are not.